

By: Representatives Horan, Stamps

To: Corrections;  
Appropriations

HOUSE BILL NO. 920

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CREATE  
2 THE INMATE INCENTIVE TO WORK PROGRAM; TO PROVIDE THAT THE PROGRAM  
3 SHALL PROVIDE PAYMENT TO ELIGIBLE INMATES HOUSED IN STATE  
4 CORRECTIONAL FACILITIES; TO CREATE A SPECIAL FUND ENTITLED "THE  
5 INMATE INCENTIVE TO WORK PROGRAM FUND", WHICH SHALL BE FUNDED BY A  
6 PORTION OF THE INMATE WELFARE FUND; TO AMEND SECTION 47-5-158,  
7 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND  
8 FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** (1) (a) The Department of Corrections is  
11 authorized to create the Inmate Incentive to Work Program. The  
12 program shall be made available for eligible inmates housed in  
13 state correctional facilities and shall provide certain pay upon  
14 work performed in the program. The work offered by inmates shall  
15 consist of a wide range of jobs that require varying skill levels.

16 (b) The department shall adopt rules and regulations as  
17 necessary regarding the eligibility of the program as well as the  
18 amount of payment to be received by inmates for their work.  
19 Inmates who are unable to work or who are in cell confinement  
20 shall not be eligible to participate in the program.



21 (2) There is hereby created a special fund to be known as  
22 the "Inmate Incentive to Work Program Fund" to be maintained in a  
23 bank to be selected by the Commissioner of the Department of  
24 Corrections. It shall be the duty of the bank, so long as it  
25 retains such deposits, to make monthly reports to the State  
26 Treasurer of the State of Mississippi as to the condition of the  
27 funds on deposit in the depository. Such funds shall be used for  
28 the payment of inmates who are participants in the Inmate  
29 Incentive to Work Program, and the fund shall be funded as  
30 provided under Section 47-5-158(b).

31 **SECTION 2.** Section 47-5-158, Mississippi Code of 1972, is  
32 amended as follows:

33 47-5-158. (1) The department is authorized to maintain a  
34 bank account which shall be designated as the Inmate Welfare Fund.  
35 All monies now held in a similar fund or in a bank account or  
36 accounts for the benefit and welfare of inmates shall be deposited  
37 into the Inmate Welfare Fund. This fund shall be used for the  
38 benefit and welfare of inmates in the custody of the department  
39 and shall be expended in accordance with any provisions or  
40 restrictions in the regulations promulgated under subsection (7)  
41 of this section.

42 (2) There shall be deposited into the Inmate Welfare Fund  
43 interest previously earned on inmate deposits, all net profits  
44 from the operation of inmate canteens, performances of the  
45 Penitentiary band, interest earned on the Inmate Welfare Fund and



46 other revenues designated by the commissioner. All \* \* \* monies  
47 shall be deposited into the Inmate Welfare Fund as provided in  
48 Section 7-9-21.

49 (3) All inmate telephone call commissions shall be paid to  
50 the department. Monies in the fund may be expended by the  
51 department, upon requisition by the commissioner or his designee,  
52 only for the purposes established in this subsection.

53 (a) Twenty-five percent (25%) of the inmate telephone  
54 call commissions shall be used to purchase and maintain  
55 telecommunication equipment to be used by the department.

56 (b) Until July 1, 2008, twenty-five percent (25%) of  
57 the inmate telephone call commissions shall be deposited into the  
58 Prison Agricultural Enterprise Fund. Beginning on July 1, 2008,  
59 thirty-five percent (35%) of the inmate telephone call commissions  
60 shall be deposited into the Prison Agricultural Enterprise Fund.  
61 The department may use these funds to supplement the Prison  
62 Agricultural Enterprise Fund created in Section 47-5-66.

63 (c) Forty percent (40%) of the inmate telephone call  
64 commissions shall be deposited into the Inmate Welfare Fund.

65 (4) The commissioner may invest in the manner authorized by  
66 law any money in the Inmate Welfare Fund that is not necessary for  
67 immediate use, and the interest earned shall be deposited in the  
68 Inmate Welfare Fund.

69 (5) The Deputy Commissioner for Administration and Finance  
70 shall establish and implement internal accounting controls for the



71 Inmate Welfare Fund that comply with generally accepted accounting  
72 principles and regulations of the Department of Finance and  
73 Administration. The Deputy Commissioner for Administration and  
74 Finance shall prepare and issue quarterly consolidated and  
75 individual facility financial statements to the prison auditor of  
76 the Joint Legislative Committee on Performance Evaluation and  
77 Expenditure Review. The deputy commissioner shall prepare an  
78 annual report which shall include a summary of expenditures from  
79 the fund by major categories and by individual facility. This  
80 annual report shall be sent to the prison auditor, the Legislative  
81 Budget Office, the Chairman of the Corrections Committee of the  
82 Senate, and the Chairman of the Corrections Committee of the House  
83 of Representatives.

84 (6) (a) A portion of the Inmate Welfare Fund shall be  
85 deposited in the Discharged Offenders Revolving Fund, as created  
86 under Section 47-5-155, in amounts necessary to provide a balance  
87 not to exceed One Hundred Thousand Dollars (\$100,000.00) in the  
88 Discharged Offenders Revolving Fund, and shall be used to  
89 supplement those amounts paid to discharged, paroled or pardoned  
90 offenders from the department. The superintendent of the Parchman  
91 facility shall establish equitable criteria for the making of  
92 supplemental payments which shall not exceed Two Hundred Dollars  
93 (\$200.00) for any offender. The supplemental payments shall be  
94 subject to the approval of the commissioner. The State Treasurer  
95 shall not be required to replenish the Discharged Offenders



96 Revolving Fund for the supplemental payments made to discharged,  
97 paroled or pardoned offenders.

98 (b) A portion of the Inmate Welfare Fund shall be  
99 deposited into the Inmate Incentive to Work Program Fund, as  
100 created under Section 1 of this act, in amounts necessary to  
101 provide a balance not to exceed One Million Dollars  
102 (\$1,000,000.00) in the fund. Such fund shall be utilized to pay  
103 inmates who are participants in the Inmate Incentive to Work  
104 Program as created under Section 1 of this act.

105 (7) (a) The Inmate Welfare Fund Committee is hereby created  
106 and shall be composed of nine (9) members: The Deputy  
107 Commissioner for Community Corrections, the Deputy Commissioner of  
108 Institutions, the Superintendent of the Parchman facility, the  
109 Superintendent of the Rankin County facility, the Superintendent  
110 of the Greene County facility, the State Treasurer, the State  
111 Auditor, and two (2) members to be appointed by the Commissioner  
112 of Corrections, one (1) of whom must have a relative incarcerated  
113 by the department at the time of appointment and shall be a  
114 representative of inmate families. The commissioner shall appoint  
115 the chairman of the committee. The committee shall administer and  
116 supervise the operations and expenditures from the Inmate Welfare  
117 Fund and shall maintain an official minute book upon which shall  
118 be spread its authorization and approval for all such  
119 expenditures. The committee shall promulgate regulations  
120 governing the use and expenditures of the fund.



121 (b) Regulations adopted shall set out what types of  
122 items shall be allowable purchases, and in all cases, the minutes  
123 of the committee shall explain which regulation permits any  
124 purchase it approves. Additionally, regulations of the committee  
125 shall prescribe the number of members necessary to constitute a  
126 quorum, minimum attendance requirements for a member to retain a  
127 seat on the committee, and a mission statement for the committee.

128 (c) The committee shall conduct an annual needs  
129 assessment to determine what types of items should be purchased  
130 for the benefit of inmates. The needs assessments shall be  
131 conducted with the assistance of the department personnel, inmates  
132 and the families of inmates.

133 (d) The committee shall evaluate the proposals of  
134 interested third parties for the administration of inmate canteen  
135 services as provided in Section 47-5-109.1.

136 (8) The Department of Audit shall conduct an annual  
137 comprehensive special audit of the committee's use of the Inmate  
138 Welfare Fund. The department shall incorporate in its special  
139 audit report any recommendations it has concerning the financial  
140 and management control practices of the committee. The department  
141 shall report its findings and recommendations to the Chairmen of  
142 the Senate and House Corrections Committees.

143 **SECTION 3.** This act shall take effect and be in force from  
144 and after July 1, 2022.

